IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.11339 of 2002

Between:

Kamineni Neelima D/o.K.Ravi
R/o. Plot No.557 , Vasanthnagar , Kukutpalli , Hyderabad-72,

Andhra Pradesh, being Minor Rep by her Father as Natural Guardian.

..... PETITIONER

AND

1 The Board of Intermediate Education A.P., Rep. by its Secretary,
Nampally , Hyderabad.
2 Government of A.P., Rep. by its Secretary,
Education Department, Secretariat , Hyderabad.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction particularly one in the nature of Writ of Mandamus, directing the respondents herein to further valuation of the Answer sheet of English of the petitioner Examination held in March 2002 with Hall Ticket No.5302831 duly considering the answer for questions VI(c) and XV along with others as per the guidelines issued by the Board and produce the same before this Hon'ble Court after calling for the records.

Counsel for the Petitioner: MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondents: GP FOR HIGHER EDUCATION

The Court made the following:

ORDER:

This writ petition is filed seeking to direct the respondents to further revalue the English answer sheet of the petitioner's II-year Intermediate Examination held in March, 2002 with Hall Ticket No.5302831.

The case of the petitioner, in brief, is that she appeared for the II-year Intermediate Examination held in March, 2002 and having come to know about the marks secured in each subject she applied for revaluation of answer sheets of English-II and Chemistry-II subjects in addition to re-counting of marks awarded. It is stated that in revaluation of answer sheets, the marks in Chemistry subject were enhanced to 59 from 55 and there is no change in the marks awarded for English subject. The main grievance of the petitioner is that though she has written the answers to Question Nos.VI(c) and XV of English-II paper as per the Scheme of Valuation and Key of the Board, the revaluation was not done properly and because of that she lost the opportunity for admission into BITS (Birla Institute of Technology and Science), Pilani. Hence, she filed the present writ petition.

A counter affidavit is filed by the 1st respondent denying the allegations of the petitioner and stating that the petitioner had applied for revaluation and recounting of English-II and Chemistry-II papers and after revaluation the petitioner got the benefit of 4 marks in Chemistry-II paper, but there is no change in the total marks of English-II paper. It is further stated that during the revaluation of English-II paper, the

revaluation Board has awarded 6 marks for Question No.4 instead of
7 marks, 7 marks for question No.6 instead of 5 marks, and 2 marks for question No.14 instead of 3 marks awarded by the examiner, therefore, overall the revaluation Board has considered 2 marks more for question No.6 and 1 mark less each for question Nos.4 and 14, which is the reason for no change in the final score.

Heard the learned counsel for the petitioner and the learned Government Pleader for Higher Education.

A perusal of the record shows that based on the application filed by the petitioner for revaluation of Chemistry-II and English-II papers, the revaluation Board, after going through the questions and answers of Chemistry-II paper, revalued the same and the petitioner got the benefit of 4 marks in the said subject. It also shows that during the revaluation of English-II paper, the revaluation Board has awarded 6 marks for Question No.4 instead of 7 marks, 7 marks for question No.6 instead of 5 marks, and 2 marks for question No.14 instead of 3 marks awarded by the examiner, therefore, overall the revaluation Board has considered
2 marks more for question No.6 and 1 mark less each for question Nos.4 and 14, ultimately there is no change in the total marks of English-II paper. Even though the learned counsel for the petitioner contends that there are no reasons given for reducing or adding the marks, this Court cannot award marks based on the submissions of the learned counsel for the petitioner and decide as to whether the revaluation is properly done or not as the same is in the realm of the revaluation Board. It should be noted that in the process of revaluation of answer sheets, there is possibility of a candidate either losing or securing marks. When once the petitioner made an application to the Board for revaluation of certain papers and when the revaluation Board, after going through the questions and answers of the petitioner, revalued the same, this Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot interfere with the same and order for further revaluation.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 24.06.2005

Nsr/Ksr

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Board of Intermediate Education A.P.,
Nampally , Hyderabad.
2 The Secretary,
Education Department, Government of A.P., Secretariat , Hyderabad.

3 Two CCS to GP for Higher Education, High Court Buildings,

Hyderabad (OUT)

4 2 CD copies